

## Former Employee Filing Grievance

The Board has made it clear that the right of a former employee to file a grievance is not completely foreclosed. In one case, the Board expressed the view that an employee does not forfeit any monetary rights which accrued under a collective bargaining agreement; such as insurance claims, back-pay for improper suspension, overtime pay or severance pay; because the employee voluntarily has quit his or her employment.<sup>1</sup> The Board concluded that an individual in such circumstances meets the definition of “employee” and the Board had jurisdiction to decide a grievance brought by the individual.<sup>2</sup>

In a subsequent case, the Board concluded that a union has standing to grieve, on its own behalf and on behalf of a retiree, an alleged contractual violation of entitlement to health insurance coverage accrued by the retiree during the period of the retiree’s employment.<sup>3</sup> This allows the union to protect the fruits of its bargain and to enforce a contractual right accrued by a retiree during employment, through the contractual mechanism agreed upon by the employer and union to resolve contractual disputes.<sup>4</sup> In reaching this conclusion, the Board did not make a judgment with respect to the ability of a retiree to grieve on his or her own behalf.<sup>5</sup>

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<sup>1</sup> Grievance of Boocock, 7 VLRB 265, 267-69 (1984); *Affirmed On Other Grounds*, 150 Vt. 422 (1988).

<sup>2</sup> Id.

<sup>3</sup> Grievance of Kelly and the Vermont State Colleges Faculty Federation, AFT Local 3180, AFL-CIO, 19 VLRB 100, 105-106 (1996).

<sup>4</sup> Id.

<sup>5</sup> Id.